

REMARKS

Claims 41, 43, 44, 46-48 and 53-76 are pending in the present application.

Reconsideration is respectfully requested for the following reasons.

Applicant would like to thank the Examiner for taking the time for a telephone

Interview interview on May 27, 2009. As discussed in the interview, Applicant submits that any summary combination of the references would not result in the cutting roll 6 of the PCT '540 publication OK being within a furnace. Accordingly, Applicant submits that the current amendment to claim /PB/ 41, which was proposed during the telephone interview, would overcome the present rejection 16 Sept. 2009 as a combination of the references would not include insulation material that enters the tunnel furnace having a rectangular cross-sectional profile and that is impressed and/or deformed to produce a non-rectangular cross-sectional profile during curing.

In the Office Action, claim 41 has been amended. Furthermore, new claims 53-76 depend from claim 41.

In the Office Action, claims 41, 44 and 46-48 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2,997,096 to Morrison et al. in view of PCT Publication No. WO 00/44540. As further discussed below, Applicants respectfully submit that a *prima facie* case of obviousness has not been established. The test for obviousness has recently been addressed by the U.S. Supreme Court in *KSR Int'l. Co. v. Teleflex, Inc.*, 82 U.S.P.Q.2d 1385 (2007). In its decision, the Supreme Court stated that the teaching-suggestion-motivation (TSM) standard developed by the Federal Circuit was no longer the sole test for determining obviousness. Nevertheless, the Court indicated that the TSM test provides helpful insights as to the obviousness of the invention.

Furthermore, according to M.P.E.P. §2142:

The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated